

<p style="text-align: right;">Page 74</p> <p>1 Han 2 upcoming year, correct? 3 A. Uh-huh. 4 Q. Is that correct? 5 A. Yes. 6 Q. 2008, upcoming year. 7 A. Yes. 8 Q. And when we look at 2007, these are 9 specific costs relating to your print media 10 advertising. 11 A. Right. 12 Q. Now, are these costs included within 13 the figures we looked at earlier? 14 A. Yes. 15 Q. From -- C.C. Stephens? 16 A. C.C. Stephens, yes. 17 Q. Just to be clear, the 292,000 summary 18 for 2007 would include the numbers I see here on 19 this sheet for 2007. 20 A. Yes. 21 Q. Okay. Thank you. 22 MR. SCHROEDER: Let me mark the next 23 document as Defendant's Exhibit 16. 24 (Artisan's internal accounting 25 document reflecting the expenses of the TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 75</p> <p>1 Han 2 company was marked Defendant's 16 for 3 identification, as of this date.) 4 Q. Mr. Han, you have before you what's 5 been marked as Defendant's 16. Do you recognize 6 this document? 7 A. Yes. 8 Q. Can you explain to me what it is. 9 Generally. 10 A. Well, that's my accounting stuff. 11 General entries, stuff like that. 12 Q. This is a document created internally 13 within Artisan reflecting the expenses of the 14 company? 15 A. That is correct. 16 Q. Are these all the expenses incurred by 17 Artisan to this period of time, to the best of 18 your knowledge? 19 A. That is correct. 20 Q. Okay. So these expenses include such 21 expenses as charges by C.C. Stephens, travel 22 charges -- 23 A. And more than that, because we have 24 like a VNU business media is -- 25 Sorry. We have -- when we look at TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 76</p> <p>1 Han 2 VNU, business media, that's all the \$500. 3 Q. What page are you on? 4 A. Page -- 5 MR. MALTBIE: 230. 6 A. 12 out of 17. 7 Q. Okay. 230. VNU business media, okay. 8 A. They are print magazines. 9 Q. Print magazines? 10 A. Yes. They are pay on top of -- it's 11 not included in the C.C. Stephens. 12 Q. Okay. What exactly is a print 13 magazine? 14 A. Basically, we hire C.C. Stephens, I 15 think it's a later -- the year, and some of the 16 media plan has already done, so we still go 17 through our own channel to place advertisements, 18 that kind of thing. 19 So when you see VNU business media, it 20 means we are paying the media directly. And 21 when you see C.C. Stephens, in a later years, so 22 we paying all the advertising and placement 23 through C.C. Stephens. We are not paying 24 anybody -- most company, we don't pay directly 25 to them. TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 77</p> <p>1 Han 2 Q. Okay. Can you tell by looking at this 3 what the charge was for? 4 Yes, there's a charge for VNU business 5 media for \$500. 6 Is there a way to tell what that \$500 7 was spent for? 8 A. Print advertising. 9 Q. Print advertising. 10 A. Yeah. 11 Q. Okay. Do you know what magazine or -- 12 A. VNU produced Kitchen and Bath Business 13 Magazine. 14 Q. Where is that magazine distributed, if 15 you know? 16 A. All the showrooms. 17 Q. Would that be a magazine that would be 18 given to a consumer free? 19 A. Of -- if they go to the showroom, yes, 20 maybe. But usually it's for trade eyes only. 21 Q. How about the company, BNT Media? 22 A. It's the same thing. It's another 23 media company. Yeah. 24 Q. Could you take a look at Bates Number 25 231, page 13 of 17. TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 78</p> <p>1 Han 2 I see some charges for the trade show 3 in Vegas, Kitchen and Bath Industry Show. 4 A. 17 of 17? 5 Q. 13 of 17. 6 A. Okay. Sorry. 7 Okay. 8 Q. Okay. I see some charges for the 9 Kitchen and Bath Industry Show. 10 A. Yeah. 11 Q. 10,900. Is that a charge for actually 12 having a booth at the show? 13 A. That is correct. 14 Q. And the second charge -- 15 A. That is just part of the cost, because 16 it's way more than 10,000. 17 Q. Okay. 18 A. It's usually split in half or 19 something, to pay the -- place a deposit and 20 then pay for the rest. 21 Q. Uh-huh. What about the following 22 charge, Field services for 17,000? What does 23 that mean, if you know? 24 A. Field services, Kitchen and Bath Show, 25 basically that includes -- what date is that? TSG Reporting - Worldwide 877-702-9580 </p>	<p style="text-align: right;">Page 79</p> <p>1 Han 2 2006. Okay. That's more like a -- 3 you know, a -- assembling of booth for you, 4 dismantle the booth for you. So they caught a 5 few services. It means they have to send out 6 people to your booth and taking care of hanging 7 signs, all that kind of stuff. They call field 8 services. 9 Q. And then there's another charge for 10 16,150. Is that just an additional -- 11 A. Yeah. 12 Q. That is an additional charge breaking 13 up the total fee of the show costs? 14 A. Yes. 15 Q. Okay. 16 Below that, what is spiffs? 17 A. Spiffs is basically when you give 18 customer -- like say you go to a showroom and 19 talk to their salesperson and ask them to 20 promote their sinks. In industry, you will say, 21 You know what? If you sell one of our sinks, we 22 can give you \$10, \$5. It's called spiff. 23 It's -- a motivations, incentive, stuff. 24 Q. Uh-huh. Okay. Thank you. 25 MR. SCHROEDER: Off the record for a TSG Reporting - Worldwide 877-702-9580 </p>
<p style="text-align: right;">Page 80</p> <p>1 Han 2 second. 3 (Discussion off the record.) 4 (Luncheon recess at 2:06.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 TSG Reporting - Worldwide 877-702-9580 </p>	<p style="text-align: right;">Page 81</p> <p>1 Han 2 AFTERNOON SESSION 3 (2:49) 4 JIAN XIONG HAN 5 resumed, having been previously duly 6 sworn by a Notary Public, was 7 examined and testified further 8 as follows: 9 CONTINUED EXAMINATION BY MR. SCHROEDER: 10 Q. Before we took our break, we were 11 talking about some of the advertising expenses 12 that have been expended by Artisan. And just 13 continuing on that theme, I was provided with a 14 collection of documents showing various fliers, 15 brochures, and that sort of thing. 16 And you just have to bear with me a 17 little bit because some of this stuff wasn't 18 stapled together, so I'm not sure that I know 19 that I have a complete package. 20 A. Okay. 21 Q. But -- I only have one copy, so if you 22 can look on, too, with -- 23 MR. MALTBIE: That's fine. 24 MR. SCHROEDER: Let's go ahead and 25 mark this first flier, brochure, as TSG Reporting - Worldwide 877-702-9580 </p>

Page 8

1 Han
2 sink, to cut out the countertop.
3 And by having them, and there's a
4 digital template of our sinks, and they can drop
5 right into the cutout. So basically the -- when
6 you cut out the whole countertop, the machine
7 will automatically cut out the sink, where does
8 it need to be, and they do a very good, precise
9 measurement of the cutouts.

10 Q. Is the cutout size the same for every
11 sink?
12 A. Basically you -- the -- each sink has
13 a different -- same model should have the same
14 template.
15 Q. Okay. Thank you.
16 MR. SCHROEDER: And mark the next
17 document as Defendant's 23. And that's
18 Bates 101.
19 (Document Bates-stamped 101 was marked
20 Defendant's 23 for identification, as of
21 this date.)
22 Q. Mr. Han, can you tell me when this
23 document was created, if you know?
24 A. I don't know when it is exactly
25 produced. I don't know.

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1 Han

2 Q. It has your Newark, New Jersey,
3 address, so would it have to have been after you
4 moved to New Jersey in 2007?

5 A. Right, yes.

6 Q. Okay. Okay. Thank you.

7 MR. SCHROEDER: The next document will
8 be marked as Defendant's 24. And I believe
9 it comprises these two pages, which I don't
10 have stapled together. Maybe I can clip
11 them together.

12 (Advertisement and feature article
13 were marked Defendant's 24 for
14 identification, as of this date.)

15 Q. Let me first ask, is that correct in
16 that these two pages belong together?

17 A. This is the ad itself. And then with
18 the trends stuff as the feature. So it's a
19 reproduction of the ad, and this is the feature
20 article.

21 Q. Okay. Do you know when this ad
22 originally ran?

23 A. I don't remember. It says 16 gauge.

24 Q. Again, if you look at the ad, on the
25 second page there's a New Jersey phone number.

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<p style="text-align: right;">Page 90</p> <p>1 Han</p> <p>2 Would that be an indication? Would it have run 3 after you moved to New Jersey?</p> <p>4 A. This ad has been produced, reproduced 5 again, because this indicates a 16 gauge, and I 6 think the first one we run on trend is 2006, 7 with a different version of it.</p> <p>8 But this particular one, yes, it's 9 running 2007.</p> <p>10 Q. Okay. Thank you.</p> <p>11 MR. SCHROEDER: Going to mark the next 12 document -- I'll have to use my original 13 copy, I see the date was cut off of the 14 other copy -- as Defendant's 25. And it's 15 Bates Number 186.</p> <p>16 (Advertisement Bates-stamped 186 was 17 marked Defendant's 25 for identification, 18 as of this date.)</p> <p>19 Q. Mr. Han, we've marked what's depicted 20 as Bates Number 186 as Defendant's 25.</p> <p>21 Now, from my review of all these 22 advertisements, this document appears to have 23 the earliest date.</p> <p>24 If you look on the --</p> <p>25 A. Uh-huh.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 91</p> <p>1 Han</p> <p>2 Q. -- right-hand column, on the bottom it 3 says June 2006.</p> <p>4 A. Right.</p> <p>5 Q. Okay. Do you have any material dated 6 earlier than June of which depicts either the 7 Artisan mark or the fleur-de-lis logo?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Thank you.</p> <p>10 MR. SCHROEDER: I would like to mark 11 this next document as Defendant's 26.</p> <p>12 (Mr. Han's yearly sales document was 13 marked Defendant's 26 for identification, 14 as of this date.)</p> <p>15 Q. Mr. Han, do you recognize Defendant's 16 Exhibit 26?</p> <p>17 A. Yup.</p> <p>18 Q. Can you tell me what that document is.</p> <p>19 A. That's my yearly sales.</p> <p>20 Q. Now, let me just refer you back to 21 Defendant's Exhibit 12, which was your 22 declaration. And in particular, let me refer 23 you to paragraph 10 of your declaration.</p> <p>24 Okay. On the top of page 5, it 25 states, "Since 2003, sales of Artisan brand sink</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 92</p> <p>1 Han</p> <p>2 and related accessories have generated over 3 20 million in sales."</p> <p>4 A. Okay.</p> <p>5 Q. Okay. Now I want to refer you back to 6 Defendant's 26. I see a total for your 2007 of 7 19 million.</p> <p>8 Are there additional sales which don't 9 appear on this summary sheet?</p> <p>10 A. No.</p> <p>11 Q. So the number, through -- let me 12 phrase that.</p> <p>13 Did you include any sales in 2008, in 14 the 20 million figure that is set forth in 15 paragraph 10 of your declaration?</p> <p>16 A. Could be. I don't know.</p> <p>17 Q. Okay. Who was your biggest customer 18 today?</p> <p>19 Let's be more specific. Who is your 20 biggest customer in 2007, if you know?</p> <p>21 MR. MALTBIE: Mark this as attorneys 22 eyes only, please.</p> <p>23 A. Moore Supply.</p> <p>24 Q. Moore Supply?</p> <p>25 A. Yeah.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 93</p> <p>1 Han</p> <p>2 Q. Where are they located?</p> <p>3 A. Texas.</p> <p>4 Q. What kind of company are they?</p> <p>5 A. Plumbing Wholesale.</p> <p>6 Q. Do they carry other brands of sinks 7 besides Artisan, if you know?</p> <p>8 A. They -- they carry -- yes. They 9 carry, but I don't think they're actively 10 promoting.</p> <p>11 Q. Is Moore Supply -- are they 12 significantly bigger in terms of sales than 13 other customers of yours?</p> <p>14 A. Yes, they are, in the distributor 15 level. Not necessarily bigger than other 16 distributors, but they are -- in the distributor 17 level, they're bigger than other customers, 18 smaller customers.</p> <p>19 Q. Can you explain that? I didn't follow 20 that explanation.</p> <p>21 A. They are -- there's many levels of 22 customers.</p> <p>23 Q. Okay.</p> <p>24 A. There's retail customers, there's 25 wholesale customers, and there's distributor</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 94</p> <p>1 Han 2 customers, and the distributor customers are 3 substantially, usually larger than the retail 4 customers.</p> <p>5 Q. Does that mean, then, that Moore 6 Suppliers distributes and in turn sells other 7 sinks to other retailers?</p> <p>8 A. That is correct.</p> <p>9 Q. Are they dealing with the purchasing 10 public at that level?</p> <p>11 A. Yes. They also deal with the 12 purchasing public. They have showrooms, stuff 13 like that.</p> <p>14 Q. Have they been your biggest seller for 15 more than the last year?</p> <p>16 A. No. There's others that are similar 17 size.</p> <p>18 Q. Okay.</p> <p>19 A. Sales.</p> <p>20 Q. Okay. Let's go back to 2003, when you 21 first started.</p> <p>22 A. Uh-huh.</p> <p>23 Q. If you recall, who was your largest 24 customer back at that point, in 2003, when you 25 started?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 95</p> <p>1 Han 2 A. I don't know. I have to look into the 3 books.</p> <p>4 Q. Okay. Has your customer base changed 5 much over the years?</p> <p>6 A. Yes.</p> <p>7 Q. It has.</p> <p>8 A. Yeah.</p> <p>9 Q. In terms of increasing, or in terms of 10 changeover?</p> <p>11 A. Everything.</p> <p>12 Q. The way you market sinks, when does a 13 customer see the Artisan word or the 14 fleur-de-lis logo? When is he exposed to that?</p> <p>15 MR. MALTBIE: Objection to form.</p> <p>16 A. I don't know -- could be anything.</p> <p>17 I can't specifically tell.</p> <p>18 Q. Would you see it on a Web site?</p> <p>19 A. We advertising -- we do have a Web 20 site.</p> <p>21 Q. Okay. How about a company which sells 22 your products on Web sites? Would they see 23 the --</p> <p>24 A. Of course.</p> <p>25 Q. -- the logo would --</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 96</p> <p>1 Han 2 A. We have companies that sell on the Web 3 sites.</p> <p>4 Q. Okay. Would a customer see the name 5 or logo upon entering a store?</p> <p>6 A. Yes. We have customers displaying our 7 displays, which is have our logos right on top.</p> <p>8 Q. The customers -- rephrase that.</p> <p>9 The retailers who sell your sinks, who 10 are countertop installers, granite installers of 11 that sort, do they display the Artisan name and 12 the logo along with the sink?</p> <p>13 A. Say that again? I'm sorry.</p> <p>14 MR. SCHROEDER: Read back that 15 question.</p> <p>16 (The record was read back.)</p> <p>17 MR. MALTBIE: Objection to form.</p> <p>18 Q. Do you understand the question?</p> <p>19 A. I don't know, because I don't go to --</p> <p>20 very often to customer's showroom.</p> <p>21 Q. Okay. That would be a better question 22 to ask Joe?</p> <p>23 A. That is correct.</p> <p>24 Q. Do you know how many of your retailers 25 sell your sink to the consuming public versus</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 97</p> <p>1 Han 2 give it away as a -- as a freebie?</p> <p>3 MR. MALTBIE: Objection, form.</p> <p>4 A. I don't think anybody give away 5 freebies. I mean, they just build the profit 6 into the sink and -- into the job, whatever they 7 do.</p> <p>8 Q. Okay. Let me rephrase that question.</p> <p>9 Do you know what percentage of your 10 customers charge, specifically charge, for the 11 sale of the Artisan sink?</p> <p>12 A. Our sales training has emphasized how 13 to sell, not on how they give it away.</p> <p>14 Q. Okay.</p> <p>15 Would Joe have a better idea of which 16 customers are selling and which customers are 17 giving away?</p> <p>18 A. He will.</p> <p>19 Q. Okay.</p> <p>20 THE WITNESS: Excuse me.</p> <p>21 Q. Take a break?</p> <p>22 A. No, no, that's okay.</p> <p>23 Q. Okay. Referring back to your 24 declaration to paragraph 5, you referred to two 25 Web sites, IraWoods.com and USKitchenware.com.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 98</p> <p>1 Han 2 A. Right. 3 Q. Are those two major retailers of your 4 Artisan sinks? 5 A. Yes. 6 Q. Do they sell a significant part of 7 your sinks? 8 A. Yes. 9 Q. Would they be in your top ten 10 retailers in terms of the amount of sales? 11 A. They're more like the online 12 retailers, basically. They're just selling over 13 the Internet. 14 Q. Okay. 15 A. They also sell in the showroom, but 16 the significant part of it is over the Internet. 17 Q. Do you have an idea where they fit in 18 the scheme of percentage sales? Are they top 19 10 percent, top 20 percent? 20 A. Top -- definitely top 20, and -- but 21 on top of that, I don't know. 22 Q. Okay. 23 Are there other Internet -- start all 24 over. Are there other Internet resellers -- one 25 more time.</p>	<p style="text-align: right;">Page 99</p> <p>1 Han 2 Are there other Internet sellers of 3 Artisan sinks besides Ira Woods and U.S. 4 Kitchenware? 5 A. I'm sure there will be on the 6 Internet, but I'm not sure -- 7 Q. At this time, are they the two 8 significant, major sellers of your product on 9 the Internet, to the best of your knowledge? 10 A. Those two are has been the two biggest 11 one that we have. 12 Q. Okay. When a company like Ira Woods 13 advertises Artisan sinks on their Web site, who 14 provides the artwork or photographs to the 15 company to show your products? 16 A. We authorized they can use our 17 photograph in the literature. 18 Q. Okay. So you generally provide the 19 photograph to them depicting your sink. 20 A. Yes. 21 Q. So when I log onto the Web site and I 22 view the Artisan sink, the photo I'm viewing 23 originated with Artisan. 24 A. That's correct. But however, it could 25 be some dealers, they take their own pictures.</p>
<p style="text-align: right;">Page 100</p> <p>1 Han 2 That could be also -- 3 Q. Okay. 4 A. -- possible. 5 MR. SCHROEDER: Mark the next document 6 as Defendant's 27. 7 (Printout of the home page of 8 IraWoods.com was marked Defendant's 27 for 9 identification, as of this date.) 10 Q. Mr. Han, Defendant's 27, as you'll 11 note, is a printout of the home page of 12 IraWoods.com. Are you familiar with this at 13 all? 14 A. No. 15 Q. Do you recognize it as being a home 16 page or Web page of IraWoods.com? 17 A. From -- yeah. From the printout, yes. 18 Q. Okay. Now, let me ask you one 19 question. If you look at the left-hand column, 20 do you see the list of items that are listed 21 there? 22 A. Right. 23 Q. And there's a section entitled 24 "Kitchen." 25 A. Okay.</p>	<p style="text-align: right;">Page 101</p> <p>1 Han 2 Q. And under the word "Kitchen" is 3 kitchen faucets, kitchen sinks, garbage 4 disposers. 5 A. Yes. 6 Q. To you, what does that mean? 7 A. That's categories that they sell. 8 Categories of products. 9 Q. Okay. Fine. 10 MR. SCHROEDER: Let's go ahead and 11 mark this as Defendant's 28. 12 ("Kitchen sinks" link of a Web site 13 was marked Defendant's 28 for 14 identification, as of this date.) 15 MR. SCHROEDER: And this next document 16 is Defendant's 29. 17 ("Undermount sinks" link of a Web site 18 was marked Defendant's 29 for 19 identification, as of this date.) 20 Q. Okay. And I'll represent to you that 21 as you start clicking through the links on the 22 left-hand column there, Defendant's 28 is a 23 click on the kitchen sinks link, and Defendant's 24 29 is a click on the undermount sinks link. 25 A. Okay.</p>

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1 Han
2 Q. And at each of these points the Web
3 page shows representative sinks. I'm not sure
4 which sink they're showing in these photographs.
5 Let's go ahead and mark the next
6 document as Defendant's 30.
7 (Web page concerning undermount
8 double-bowled sinks was marked Defendant's
9 30 for identification, as of this date.)
10 Q. Mr. Han, Defendant's 30, we have now
11 clicked down to undermount double-bowled sinks.
12 And we start to see, depicted here, some of the
13 Artisan sinks; is that correct?
14 A. Right. That's correct.
15 Q. Okay.
16 Can you tell from looking at these
17 photographs, are these photographs that were
18 provided by Artisan, or were these photographs
19 that were taken by Ira Woods?
20 A. Provided by us.
21 Q. Thank you.
22 Looking at Defendant's 30, and the
23 Artisan sinks depicted there on the first page.
24 A. Okay.
25 Q. Can you tell me if any of these sinks

Han
depict the fleur-de-lis logo?
A. From this distance, no.
Q. Okay. Thank you.
MR. SCHROEDER: Let's go ahead and mark the next four documents as Defendant's 31, 32, 33, and 34.
(Picture of a sink was marked Defendant's 31 for identification, as of this date.)
MR. SCHROEDER: 32.
(Picture of a sink was marked Defendant's 32 for identification, as of this date.)
MR. SCHROEDER: 33.
(Picture of a sink was marked Defendant's 33 for identification, as of this date.)
MR. SCHROEDER: And 34.
(Picture of a sink was marked Defendant's 34 for identification, as of this date.)
Q. Okay, let's turn our attention first to Defendant's 31.
A. Okay.

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1 Han

2 Q. This is a click on the actual Artisan
3 sink from the previous page, and we see a larger
4 photograph of the Artisan sink.

5 A. Uh-huh.

6 Q. Can you tell from that photograph if
7 there's a fleur-de-lis on that sink?

8 A. Yes.

9 Q. You can.

10 A. Yeah.

11 Q. You see a fleur-de-lis.

12 A. There is an insignia.

13 Q. And where do you see that insignia?

14 A. Right here.

15 Q. Can you describe where in the
16 photograph you're pointing to.

17 A. Over here.

18 Q. You're pointing to the larger bowl of
19 the two-bowl portion.

20 A. Yeah.

21 Q. And do you actually see insignia there
22 or --

23 A. There's insignia.

24 Q. Where it has sort of an orange tint to
25 it, is that the insignia portion you're talking

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Han

about?

MR. MALTBIE: The black mark.

A. There's a black mark.

Q. Okay.

Let's take a look at Defendant's Exhibit 32. I'll ask you the same question. Do you see the Artisan fleur-de-lis on the sink in Defendant's 32?

A. This one, no.

Q. Okay. Let's take a look at Defendant's 33. Do you see the Artisan --

A. Hold on a second.

Q. 33.

A. You were looking at 32. I'm sorry, I wasn't looking at 32.

Q. Should we go back to 32?

A. Yeah.

Q. Let's go back to 32. Do you see the Artisan fleur-de-lis on the sink in Defendant's 32?

A. No.

Q. Okay. Now let's turn to --

A. For the printouts.

Q. Now let's turn to Defendant's 33. Do

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<p style="text-align: right;">Page 110</p> <p>1 Han</p> <p>2 A. I think it is on the left there.</p> <p>3 Q. — of the sink or on the left-hand 4 side of the sink as shown in the photo there?</p> <p>5 A. There's a dark mark right here.</p> <p>6 Well, it's maybe a dark mark right 7 here.</p> <p>8 Q. Okay. Thank you.</p> <p>9 Let's take a look at Defendant's 37. 10 I'll ask you the same question.</p> <p>11 A. Where is Defendant's 37?</p> <p>12 Q. Do you see a fleur-de-lis on that 13 sink?</p> <p>14 A. I -- again, the sink was laid 15 differently. You cannot see any insignia on 16 this side. It will be on this side.</p> <p>17 Q. It would be on the left-hand side of 18 that sink?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Thank you.</p> <p>21 And let's take a look at the sink 22 shown in Defendant's 38. Can you see a 23 fleur-de-lis on that sink?</p> <p>24 A. Right here.</p> <p>25 Q. Where are you pointing to?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 111</p> <p>1 Han</p> <p>2 A. Over here.</p> <p>3 Q. Can you describe that.</p> <p>4 A. It's --</p> <p>5 Q. The section below the faucet?</p> <p>6 A. Yup. Right, just right there. If you 7 blow it up, this picture is, give a little more 8 pixels, yes, because the original pictures has 9 the logo right there.</p> <p>10 Q. Now, let me ask you this question: A 11 consumer logging onto Ira Woods and looking at 12 this sink, would a consumer see a fleur-de-lis, 13 realistically? Would a consumer know there's a 14 fleur-de-lis in any of these sinks?</p> <p>15 MR. MALTBIE: Objection to form.</p> <p>16 A. If --</p> <p>17 MR. MALTBIE: Answer if you know.</p> <p>18 A. My answer is not yes or no. If a 19 customer usually searched for sink, they would 20 type in "Artisan," and they usually have seen 21 our sinks in somewhere, either in showroom as 22 presented by the salesperson or in the print 23 media, has look at our sinks. You know, I want 24 to do a little bit more research on it, and they 25 have been exposed with the logo already.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 112</p> <p>1 Han</p> <p>2 So, at this time, if they go to Ira 3 Woods and look at Artisan, they were not so 4 concerned about the actual logo anymore on the 5 picture.</p> <p>6 Q. Do you see the logo anywhere else in 7 any of these pages? And feel free to look back 8 on the Ira Woods pages that I've handed to you.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Do you see the logo appearing anywhere 11 else on these Web pages, other than possibly on 12 the sink itself?</p> <p>13 A. I cannot tell you, because the 14 picture's so small and --</p> <p>15 Q. No. Other than the photograph --</p> <p>16 A. If you give me a 20 inches TV monitor, 17 and maybe I can identify it.</p> <p>18 Q. But other than the photograph or the 19 sink, do you see the fleur-de-lis on any of the 20 other printed sections of these pages?</p> <p>21 Feel free to look back through the 22 pages I handed to you.</p> <p>23 A. Based on the very low pixel, small 24 pictures that you presented, with no resolution 25 whatsoever, it's -- I only can see couple, as I</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 113</p> <p>1 Han</p> <p>2 mentioned. And other than that, I cannot 3 identify the logo due to the low resolution of 4 the photo.</p> <p>5 Q. Okay. But other than the photographs, 6 you don't see the fleur-de-lis on the Web page 7 itself for X, the title of the sink. Does that 8 contain the fleur-de-lis where it describes the 9 sink as an Artisan 82321-DS-S?</p> <p>10 A. I believe there's no need to put logo 11 in there, because American Standard never put 12 their logo there. Blanco never put their logo 13 there. So it's industry standard, on the Web 14 site, you just put the name of the item that you 15 are trying to sell and reduce the -- the pixel 16 that you have to load up to the Web site.</p> <p>17 Q. Okay.</p> <p>18 A. If you put all the logos there, and 19 this -- this page probably takes 20 minutes to 20 load up.</p> <p>21 Q. Okay. Thank you.</p> <p>22 A. All right.</p> <p>23 MR. SCHROEDER: Let's mark the next 24 document as Defendant's 39.</p> <p>25 (Printout from the Web site of TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Page 114</p> <p>1 Han 2 USKitchenware.com was marked Defendant's 39 3 for identification, as of this date.) 4 MR. SCHROEDER: I'll represent this 5 document is a printout from the Web site of 6 USKitchenware.com. 7 A. Okay. 8 Q. Again, on the left-hand side, we see a 9 column shows the selection of products -- 10 A. Right. 11 Q. -- sold on this Web site, correct? 12 A. Uh-huh. 13 Q. One of those products being kitchen 14 sinks. 15 A. All right. 16 Q. Okay. 17 Now, when we click through, we get to 18 a page depicting Artisan sinks, and or let's 19 mark that document as Defendant's Exhibit 40. 20 (Web page depicting Artisan sinks was 21 marked Defendant's 40 for identification, 22 as of this date.) 23 Q. Mr. Han, I'll ask you to look at 24 what's marked as Defendant's 40. And in 25 particular, to look at the Artisan sinks, and to <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p> </p>	<p style="text-align: center;">Page 115</p> <p>1 Han 2 tell me if you see the fleur-de-lis logo on any 3 of those sinks. 4 A. Yes. A 2120 D 9, you see a logo right 5 there. 6 Q. And where do you see the logo in that 7 photograph? 8 A. Right here. 9 Q. Can you describe that for the -- 10 A. See right here. 11 Q. Describe that for the court reporter 12 where are you pointing. 13 A. The center of the sink, on the -- 14 against the wall. 15 Q. Toward the back section. Up near the 16 top of the sink? 17 A. Yeah. 18 Q. Okay. And do you see the fleur-de-lis 19 logo in any of the other sinks? 20 A. Based on the picture, no. 21 MR. SCHROEDER: Let's mark this next 22 document as Defendant's 41. 23 (Two-page printout from the Web site 24 of USKitchenware.com was marked Defendant's 25 41 for identification, as of this date.) <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p> </p>
<p style="text-align: center;">Page 116</p> <p>1 Han 2 Q. Defendant's 41 is two-page document, 3 again from U.S. Kitchenware. 4 A. Right. 5 Q. It depicts an ENX undermount large 6 single-bowl sink, and the second page it shows 7 an enlarged photo of the sink. 8 A. Uh-huh. 9 Q. Now, when you look at this photo, do 10 you see a logo on the sink shown in this photo? 11 Let me ask you the question, if you 12 look back, Exhibit 40, and also an ENX picture, 13 and show it right here, did you see a logo right 14 here? 15 A. In the middle sink, you do not see a 16 logo, no. 17 You see the logo, though, in the sink 18 on the left, which is the one -- 19 Depends on how they take the picture, 20 and the lighting, all that kind of stuff, you 21 may see or may not see. 22 Q. Now, as you say, it depends on the 23 lighting whether or not the logo is visible. 24 Since these photographs were provided by 25 Artisan, why wouldn't Artisan have taken more</p> <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 117</p> <p>1 Han 2 care to ensure that the fleur-de-lis was visible 3 in the photographs? 4 MR. MALTBIE: Objection to form. 5 A. I don't know why. I'm not the one who 6 can produce it, the pictures. 7 Q. Okay. Thank you. 8 We've spoken earlier about Artisan 9 selling 16-gauge sinks. Now, it's my 10 understanding Artisan also sells 18-gauge sinks; 11 is that correct? 12 A. That's correct. 13 MR. SCHROEDER: And let's mark this 14 next document as Defendant's 42. 15 (Customer proposal prepared by Artisan 16 Manufacturing was marked Defendant's 42 for 17 identification, as of this date.) 18 Q. Do you recognize this document, 19 Mr. Han? 20 A. No. 21 Q. Is it a document originating with 22 Artisan, to the best of your knowledge? 23 A. Could be. Some draft. 24 Q. Okay. The first sentence that 25 describes Artisan Manufacturing as offering</p> <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 118</p> <p>1 Han</p> <p>2 premium quality sinks in an 18-gauge</p> <p>3 thickness --</p> <p>4 A. Excuse me, hold on a second. This</p> <p>5 piece of literature is for a specific customer</p> <p>6 as a proposal. Has not gone onto the market</p> <p>7 because the sink model, everything, doesn't</p> <p>8 match. It is just for a specific customer, and</p> <p>9 when we do a proposal for them, and we make this</p> <p>10 sheet.</p> <p>11 Q. Okay.</p> <p>12 A. So....</p> <p>13 Q. Has this sink ever been sold?</p> <p>14 A. No.</p> <p>15 Q. Do you believe that you could make a</p> <p>16 quality sink in an 18-gauge thickness?</p> <p>17 A. Depends on how you define quality.</p> <p>18 Some people think Toyota is quality, but some</p> <p>19 people think Mercedes is quality. So depends on</p> <p>20 what your interpretation of quality.</p> <p>21 Q. Okay. How would you define quality in</p> <p>22 terms of an 18-gauge sink?</p> <p>23 A. I would define it as acceptable.</p> <p>24 Q. Okay. Any other characteristics that</p> <p>25 would --</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 119</p> <p>1 Han</p> <p>2 A. That's it.</p> <p>3 Q. Okay.</p> <p>4 MR. SCHROEDER: All right. Let's mark</p> <p>5 the next two documents as Defendant's 43</p> <p>6 and 44.</p> <p>7 (Paragraph in which Kohler describes a</p> <p>8 professional kitchen collection was marked</p> <p>9 Defendant's 43 for identification, as of</p> <p>10 this date.)</p> <p>11 (Document prepared by Kohler was</p> <p>12 marked Defendant's 44 for identification,</p> <p>13 as of this date.)</p> <p>14 Q. Now, we spoke a little bit earlier</p> <p>15 about some other brand. We mentioned Kohler. I</p> <p>16 don't know if we mentioned Franke.</p> <p>17 You are familiar with the Kohler</p> <p>18 brand, I understand.</p> <p>19 A. Yes.</p> <p>20 Q. Are you familiar with Franke sinks as</p> <p>21 well?</p> <p>22 A. Yes.</p> <p>23 Q. Let's just take a look at</p> <p>24 Defendant's 43.</p> <p>25 And in that first paragraph, Kohler</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 120</p> <p>1 Han</p> <p>2 describes a professional kitchen collection as</p> <p>3 being crafted from durable Kohler cast iron and</p> <p>4 high-quality 18-gauge Kohler stainless steel.</p> <p>5 In your opinion, does Kohler produce a</p> <p>6 quality 18-gauge sink?</p> <p>7 MR. MALTBIE: Objection to form.</p> <p>8 A. What do you mean by quality 18-gauge?</p> <p>9 I don't understand.</p> <p>10 Q. Well, Kohler's advertisements describe</p> <p>11 their sink as a high-quality 18-gauge Kohler</p> <p>12 stainless steel.</p> <p>13 A. Right.</p> <p>14 Q. In your opinion, is a Kohler 18-gauge</p> <p>15 sink a quality sink?</p> <p>16 MR. MALTBIE: Objection to form.</p> <p>17 A. If I never heard of a Mercedes-Benz,</p> <p>18 I'd probably think Honda is the best car in the</p> <p>19 world. So depends on what did you know and what</p> <p>20 you don't know.</p> <p>21 Q. Do customers perceive Kohler as a</p> <p>22 quality sink?</p> <p>23 MR. MALTBIE: Objection to form.</p> <p>24 A. They perceive Kohler as a quality</p> <p>25 brand.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 121</p> <p>1 Han</p> <p>2 Q. Okay. Let me ask you to turn to the</p> <p>3 second -- strike that.</p> <p>4 Let me ask you to refer to the second</p> <p>5 document we marked as Defendant's 44. You</p> <p>6 mentioned earlier you are familiar with the</p> <p>7 Franke brand sinks?</p> <p>8 A. Yeah.</p> <p>9 Q. And Franke, according to this, is a</p> <p>10 Swiss manufacturer of sinks?</p> <p>11 A. Sure.</p> <p>12 Q. And you agree with that, they are</p> <p>13 Swiss manufacturers?</p> <p>14 A. Yes.</p> <p>15 Q. And if I ask you to turn to the second</p> <p>16 page of this document, Franke advertises that</p> <p>17 they also produce 18-gauge stainless sinks. And</p> <p>18 they talk about having the highest percentages</p> <p>19 of chromium and nickel, for deep, rich glow.</p> <p>20 Do you agree with that assessment of</p> <p>21 their sinks, to the best of your knowledge?</p> <p>22 MR. MALTBIE: Objection.</p> <p>23 A. Assessment of what?</p> <p>24 Q. That they have the highest percentage</p> <p>25 of chromium and nickel. If you know.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 122</p> <p>1 Han</p> <p>2 A. I don't know. I never tested.</p> <p>3 Q. That's fine. Do you believe that</p> <p>4 customers perceive Franke sinks as high-quality</p> <p>5 sinks?</p> <p>6 A. Again, probably through a</p> <p>7 salesperson's mouth, they perceive Franke as a</p> <p>8 quality brand.</p> <p>9 Q. Okay. Thank you.</p> <p>10 Do you have any reason to believe that</p> <p>11 All Granite branded sinks are inferior to any of</p> <p>12 these sinks we discussed, whether it be the</p> <p>13 Kohler, the Franke, or the Artisan sink?</p> <p>14 A. What did you mean?</p> <p>15 MR. SCHROEDER: Read back the</p> <p>16 question.</p> <p>17 (The record was read back.)</p> <p>18 A. I don't know that question. Probably</p> <p>19 ask Kohler, will be better.</p> <p>20 I don't know enough to....</p> <p>21 Q. Okay. That's fine. Have you ever</p> <p>22 told anyone outside of your company that All</p> <p>23 Granite branded sinks are inferior to, for</p> <p>24 example, Artisan sink?</p> <p>25 A. No.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 123</p> <p>1 Han</p> <p>2 Q. To the best of your knowledge, have</p> <p>3 your salespeople ever told anyone that All</p> <p>4 Granite brand sinks are inferior to Artisan</p> <p>5 sinks?</p> <p>6 A. I don't know that. You have to ask</p> <p>7 them.</p> <p>8 Q. Thank you.</p> <p>9 Let's take a look back at your</p> <p>10 declaration there on page 1. There's a caption,</p> <p>11 "Artisan and Its Valuable Trademarks."</p> <p>12 And if we turn to paragraph 7, we</p> <p>13 actually discuss which trademarks are included</p> <p>14 in the term "Artisan trademarks."</p> <p>15 You see that?</p> <p>16 A. All right.</p> <p>17 Q. Now, you mentioned earlier that you</p> <p>18 chose the name Artisan after visiting a</p> <p>19 restaurant, I believe you said in --</p> <p>20 A. Artisinal.</p> <p>21 Q. And the restaurant was located?</p> <p>22 A. 33rd Street, Park Avenue.</p> <p>23 32nd Street, Park Avenue.</p> <p>24 Q. Are you aware of any other uses of the</p> <p>25 name Artisan in the trade?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 124</p> <p>1 Han</p> <p>2 MR. MALTBIE: Objection to form.</p> <p>3 A. I don't know.</p> <p>4 Q. Are you aware of any uses of Artisan</p> <p>5 on similar products?</p> <p>6 A. Not aware of.</p> <p>7 MR. SCHROEDER: Let's mark the next</p> <p>8 four documents as Defendant's 45, 46, 47,</p> <p>9 48.</p> <p>10 (Printout of a Web page from</p> <p>11 Universal.AKB was marked Defendant's 45 for</p> <p>12 identification, as of this date.)</p> <p>13 (Document which refers to an artisan</p> <p>14 drain basket was marked Defendant's 46 for</p> <p>15 identification, as of this date.)</p> <p>16 (Document referring to an artisan</p> <p>17 colander manufactured by Franke was marked</p> <p>18 Defendant's 47 for identification, as of</p> <p>19 this date.)</p> <p>20 (Document referencing an artisan white</p> <p>21 synthetic cutting board manufactured by</p> <p>22 Franke was marked Defendant's 48 for</p> <p>23 identification, as of this date.)</p> <p>24 Q. Let me refer your attention to what we</p> <p>25 marked as Defendant's Exhibit 45, and I'll</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 125</p> <p>1 Han</p> <p>2 represent that is printout of a Web page from</p> <p>3 Universal.AKB, an appliance and kitchen center.</p> <p>4 And I'll refer your attention to the</p> <p>5 upper portion of that page. It refers to a</p> <p>6 Franke Artisan inset sink. Do you see that?</p> <p>7 A. Right.</p> <p>8 Q. Have you ever seen that before?</p> <p>9 A. No.</p> <p>10 Q. You've never seen -- let me rephrase</p> <p>11 that.</p> <p>12 You've never been advised in the past</p> <p>13 that Franke sells an Artisan inset sink?</p> <p>14 A. No.</p> <p>15 Q. All right. Let me refer your</p> <p>16 attention to the next page of Defendant's 45,</p> <p>17 which is a detailed description of the Franke</p> <p>18 Artisan inset sink, ARX-630.</p> <p>19 Have you ever seen that description</p> <p>20 before?</p> <p>21 A. ARX-630?</p> <p>22 Q. Correct.</p> <p>23 A. Okay. What about it?</p> <p>24 Q. Have you ever seen that reference</p> <p>25 before, that sink before?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 126</p> <p>1 Han</p> <p>2 A. No.</p> <p>3 Q. And likewise, on the following page, 4 the ARX 670, have you ever seen a reference to 5 that sink before?</p> <p>6 A. No.</p> <p>7 Q. So prior to today, you were unaware of 8 that Franke was selling an Artisan inset sink?</p> <p>9 A. No.</p> <p>10 Q. Let me rephrase that question. 11 Prior to today – prior to today, you 12 were unaware that Franke was selling an Artisan 13 inset sink, correct?</p> <p>14 A. No.</p> <p>15 Q. You were unaware, correct?</p> <p>16 A. No. Not aware.</p> <p>17 Q. Okay. Let's take a look at what we 18 marked as Defendant's 46, which refers to an 19 artisan drain basket. 20 Is that manufactured by your company?</p> <p>21 A. No.</p> <p>22 Q. It's manufactured by Franke, correct, 23 according to the –</p> <p>24 A. That's correct.</p> <p>25 Q. And likewise, on Defendant's 47, the TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 127</p> <p>1 Han</p> <p>2 artisan colander, is it manufactured by Franke?</p> <p>3 A. Yes.</p> <p>4 Q. And Exhibit 48, the artisan white 5 synthetic cutting board, it's manufactured by 6 Franke, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Were you aware of any of these 9 products prior to today?</p> <p>10 A. No.</p> <p>11 Q. Thank you. 12 MR. SCHROEDER: Mark the next document 13 as Defendant's 49. (Trademark registration of Artisan 14 issued to Buttura & Sons, Inc., was marked 15 Defendant's 49 for identification, as of 16 this date.)</p> <p>17 Q. Mr. Han, what I'm showing to you is a 18 trademark registration issued to a company 19 called Buttura & Sons, Inc., located in Vermont.</p> <p>20 A. Uh-huh.</p> <p>21 Q. The mark that's been registered is 22 Artisan, with the design appearing next to it.</p> <p>23 A. Okay.</p> <p>24 Q. And the goods described in the TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 128</p> <p>1 Han</p> <p>2 registration are granite monuments, granite 3 tombstones, mausoleums, granite – granite grave 4 markers of granite. 5 Were you aware of this registration 6 prior to today?</p> <p>7 A. No.</p> <p>8 Q. Have you ever come across this mark in 9 the marketplace?</p> <p>10 A. No.</p> <p>11 Q. Thank you. 12 MR. SCHROEDER: Let's mark this next 13 document as Defendant's 50. (Registration issued on December 7, 14 1999, for the mark, Artisan, was marked 15 Defendant's 50 for identification, as of 16 this date.)</p> <p>17 Q. Again, what you have before you 18 Mr. Han is a registration issued on December 7, 19 1999, for the mark, Artisan, as used in 20 connection with cleaners for use on marble, 21 granite and other stone or tile products.</p> <p>22 A. Okay.</p> <p>23 Q. Have you ever come across this mark in 24 the marketplace?</p> <p>25 TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 129</p> <p>1 Han</p> <p>2 A. No.</p> <p>3 Q. Have you ever seen anyone using this 4 mark?</p> <p>5 A. No.</p> <p>6 Q. Prior to today, you were unaware of 7 this mark being used in the marketplace.</p> <p>8 A. No.</p> <p>9 Q. Thank you. 10 MR. SCHROEDER: Let's mark the next 11 two documents as Defendant's 51 and 52. (Printout from the trademark database 12 showing a pending application for the mark, 13 Artisan, used in connection with ceiling 14 fans, applied for by Hunter Fan Company, 15 was marked Defendant's 51 for 16 identification, as of this date.)</p> <p>17 (Notice of allowance for the 18 application for the Artisan mark was marked 19 Defendant's 52 for identification, as of 20 this date.)</p> <p>21 Q. Mr. Han, Defendant's 51 is a printout 22 from the trademark database showing a pending 23 application for the mark, Artisan, used in 24 connection with ceiling fans, which has been</p> <p>25 TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 130</p> <p>1 Han 2 applied for by Hunter Fan Company. 3 A. Right. 4 Q. Are you aware -- rephrase that. Were 5 you aware of this application prior to today? 6 A. No. 7 Q. Now, Defendant's 52 is a notice of 8 allowance for that same application. To the 9 best of your knowledge, did Artisan 10 Manufacturing Company take any action against 11 this pending application? 12 MR. MALTBIE: Objection to form. 13 Q. You can answer the question if you 14 understand it. 15 MR. MALTBIE: It's a 1B application. 16 There was a 1B application. I don't know 17 there would be any opportunity for Artisan 18 to take any action against this mark at 19 this point. 20 MR. SCHROEDER: Other than an 21 opposition proceeding. 22 MR. MALTBIE: I don't think you can 23 take an opposition proceeding against an 24 ITU application. 25 Q. In terms of your answer, was there any TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 131</p> <p>1 Han 2 action taken by Artisan Manufacturing against 3 this application, to date? 4 A. I have -- not aware of that mark. 5 Q. Fair enough. 6 MR. SCHROEDER: Let's mark the next 7 two-page document as Defendant's 53. 8 (Two-page Web page printout regarding 9 a company called Artisan Manufacturing 10 located in Oakland, California, was marked 11 Defendant's 53 for identification, as of 12 this date.) 13 Q. Mr. Han, Defendant's 53 is a Web page 14 printout referring to a company called Artisan 15 Manufacturing located in Oakland, California. 16 And page 2 provides a description about the 17 company. 18 A. Okay. 19 Q. Have you ever heard of this company 20 before? 21 A. No. 22 Q. Have you ever encountered this company 23 in the marketplace? 24 A. No. 25 Q. Okay. Thank you.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 132</p> <p>1 Han 2 MR. SCHROEDER: Go ahead and mark one 3 more document here. Defendant's 54. 4 (Registration from the United States 5 Patent and Trademark Office for a service 6 mark and trademark by Artisan Machine, 7 Inc., for the word "Artisan" Was marked 8 Defendant's 54 for identification, as of 9 this date.) 10 Q. Mr. Han, what's been marked as 11 Defendant's 54 is another registration from the 12 United States Patent and Trademark Office for a 13 service mark and trademark for the word 14 "Artisan." The owner of the mark is Artisan 15 Machine, Inc. -- 16 A. Right. 17 Q. -- in Indiana. And the mark is 18 directed to grinding machines for rubber 19 processing and recycling, machine parts, namely 20 millstones, machine parts, namely bearing 21 housings. 22 A. Right. 23 Q. Have you ever seen this mark before? 24 A. No. 25 Q. Have you ever encountered it in the TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 133</p> <p>1 Han 2 marketplace? 3 A. No. 4 Q. So prior to today, you were unaware 5 this registration existed. 6 A. No. 7 Q. You were unaware prior to today that 8 this registration existed. 9 A. That is correct. 10 Q. Thank you. 11 MR. SCHROEDER: We can take a 12 five-minute break. Stretch our legs. 13 MR. MALTBIE: Sure. 14 (Recess from 3:58 to 4:04.) 15 BY MR. SCHROEDER: 16 Q. Let me refer you back to your 17 declaration, Exhibit 12. Okay. And let me 18 refer you to paragraph 7. 19 Actually, paragraph 7 and 8. 20 Okay. Which list the various 21 trademarks/applications which are owned by 22 Artisan. 23 A. Right. 24 Q. Okay. And just to make this easier, 25 we'll mark one more document as Defendant's 55</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

1 Han
2 August 2003." So the application is filed in
3 2007, but you claim usage back to 2003.
4 A. Fleur-de-lis, we -- also has file. We
5 probably can ask the previous attorney to
6 provide the data, the letters that we go back
7 and forth, that we asked -- I asked them to file
8 both, probably. If they still keep the record.
9 Q. Who were your previous attorneys?
10 A. I can give you the name. I don't
11 remember.
12 Q. I may have asked you this. Who
13 authorized the filing of this trademark
14 application? Was that you?
15 A. Yes.
16 Q. Was that done in response to the
17 allegations made against All Granite?
18 MR. MALTBIE: Objection to form, and
19 only answer if it's unrelated to something
20 you discussed with counsel.
21 A. Again, the -- all the trademarks and
22 the word was filed by the time the -- when it
23 first use.
24 Q. Thank you.
25 MR. SCHROEDER: Let's mark this next

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Han

document as Defendant's 56.

(All Granite logo was marked

Defendant's 56 for identification, as of
this date.)

**Q. Mr. Han, do you recognize the logo
that's shown in what's been marked as
Defendant's 56?**

A. Yes.

Q. What logo is that?

A. That's All Granite's infringing logo.

**Q. Now, you have also in front of you a
depiction of your fleur-de-lis shown there on
Defendant's 55.**

A. Right.

**Q. Do you believe the logo, the All
Granite logo shown in Defendant's 56, is similar
to the logo shown in Defendant's 55?**

A. Yes.

**Q. Can you point to any characteristics
which make the logo similar.**

A. The flower over here. The -- the
pattern that goes. You know, it's the same.

Q. Any other --

A. The design -- the design elements of
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<p style="text-align: right;">Page 138</p> <p>1 Han 2 the whole thing is similar. 3 Q. Okay. Any particular characteristics? 4 MR. MALTBIE: Objection, form. 5 A. I don't know. 6 Q. Okay. 7 Do you recognize the logo which 8 appears in Defendant's 56 as representing and/or 9 depicting a crown? 10 A. To me, it is the -- they tried to 11 produce a similar logo that when you not paying 12 close attention, standing 5 feet, 10 feet above 13 it, you wouldn't distinguish what it is. 14 Q. So back to my question. Do you see 15 that logo as a crown? 16 A. Modified it for the fleur-de-lis logo. 17 Q. I'm sorry? 18 A. Modified fleur-de-lis logo. 19 Q. Modified fleur-de-lis logo. 20 A. Yeah. 21 Q. Do you know whether fleur-de-lis logos 22 are common in the marketplace? 23 A. Say it again? 24 MR. SCHROEDER: Read back my question, 25 please. TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 139</p> <p>1 Han 2 (The record was read back.) 3 MR. MALTBIE: Objection to form. 4 A. I'm not a trademark scientist. I 5 don't know. 6 Q. Thank you. 7 MR. SCHROEDER: Let's mark this next 8 document as Defendant's 57. 9 (Printout from Wikipedia for the term 10 "fleur-de-lis" was marked Defendant's 57 11 for identification, as of this date.) 12 Q. Are you familiar with Wikipedia, that 13 appears on the Internet? 14 A. Yes. 15 Q. Okay. Defendant's 57 is a printout 16 from Wikipedia for the term "fleur-de-lis." 17 Are you familiar with the history of 18 fleur-de-lises? 19 A. Not much. 20 Q. Who chose the fleur-de-lis design, if 21 you know? 22 A. It was one of the suggestions of the 23 designers. 24 Q. That's right. You mentioned earlier 25 that it was a designer, a Chinese designer that TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 140</p> <p>1 Han 2 you worked with. 3 A. Right. 4 Q. Correct. 5 If you compare the fleur-de-lis shown 6 here on the first page of this Wikipedia article 7 to the fleur-de-lis shown in your trademark 8 application, do you believe this fleur-de-lis is 9 similar to your fleur-de-lis? 10 A. How did you define similar? Means 11 either different or same or -- 12 Q. Do you believe they look the same? 13 A. They're not look the same. 14 Q. Do you believe a consumer would find 15 these two logos to be similar? 16 MR. MALTBIE: Objection. Form. 17 A. You can ask consumers. I can't answer 18 for them. Different cultural backgrounds have 19 different understanding. 20 Q. But in your mind, the logos look 21 different. 22 MR. MALTBIE: Objection to form. 23 A. In my mind. I don't know. 24 Q. Okay. Fair enough. 25 Are you aware of any other companies TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 141</p> <p>1 Han 2 using a fleur-de-lis logo on similar products? 3 A. Similar products? No. 4 MR. SCHROEDER: Let's mark this next 5 document as Defendant's 58. 6 (Fleur-de-lis design was marked 7 Defendant's 58 for identification, as of 8 this date.) 9 Q. Mr. Han, are you familiar with the 10 company, Latoscana? 11 A. I heard of them, yes. 12 Q. And do you know that they market and 13 sell faucets? 14 A. Yes. 15 Q. And if I refer you back to Defendant's 16 27, which is the Ira Woods Web page, we saw that 17 Ira Woods, for example, carries both faucets and 18 sinks, correct? 19 A. Yes. 20 MR. SCHROEDER: That was 27. 21 Q. Now, you see the emblem that appears 22 above the word "Latoscana"? 23 A. Uh-huh. 24 Q. And you see the fleur-de-lis design 25 that appears in that emblem? TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 146</p> <p>1 Han</p> <p>2 A. It's not similar.</p> <p>3 Q. And can you describe for me the differences between that crown logo and the fleur-de-lis logo, if you can?</p> <p>4 MR. MALTBIE: Objection. Form.</p> <p>5 A. It doesn't look like a flower at all.</p> <p>6 Q. What does it look like?</p> <p>7 A. A crown.</p> <p>8 Q. Okay. Thank you.</p> <p>9 MR. SCHROEDER: Let's mark this next two-page document as Defendant's 61. (Trademark registration and logo for Kindred was marked Defendant's 61 for identification, as of this date.)</p> <p>10 Q. Mr. Han, are you familiar with the manufacturer, Kindred?</p> <p>11 A. Yes.</p> <p>12 Q. And they manufacture sinks, correct?</p> <p>13 A. Right.</p> <p>14 Q. Now, it's hard to see on this first page, which depict the trademark registration, but if you look on page 2, you see a logo next to the word "Kindred." Do you see that?</p> <p>15 A. Yes.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 147</p> <p>1 Han</p> <p>2 Q. How would you describe that logo?</p> <p>3 A. It's a crown logo.</p> <p>4 Q. Okay. Is that logo similar to your fleur-de-lis logo?</p> <p>5 A. No.</p> <p>6 Q. Can you describe for me differences between that crown logo and your fleur-de-lis logo.</p> <p>7 MR. MALTBIE: Objection to form.</p> <p>8 A. One is a crown, one is flower.</p> <p>9 MR. SCHROEDER: Let's mark this next document as Defendant's 62. (Document pertaining to the company R Royal USA was marked Defendant's 62 for identification, as of this date.)</p> <p>10 Q. Mr. Han, are you familiar with the company, R Royal USA?</p> <p>11 A. No.</p> <p>12 MR. SCHROEDER: Please mark this next document as Defendant's 63. (Printout of Web page from RoyalSink.com was marked Defendant's 63 for identification, as of this date.)</p> <p>13 Q. Defendant's 63 is a Web page from TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 148</p> <p>1 Han</p> <p>2 RoyalSink.com.</p> <p>3 Does this refresh your recollection at all? Do you -- are you familiar with the Royal USA brand?</p> <p>4 A. Say it again.</p> <p>5 Q. Have you ever seen that brand before?</p> <p>6 Are you familiar with this brand?</p> <p>7 A. I heard of it, but I'm not familiar with it.</p> <p>8 Q. Okay. Let's take a look at the logo that appears at the top of the Defendant's 63.</p> <p>9 A. Okay.</p> <p>10 Q. In your opinion, is that logo similar to your fleur-de-lis logo?</p> <p>11 A. No.</p> <p>12 Q. Can you describe for me the difference between that logo and your logo.</p> <p>13 A. Yeah. The crown got an R.</p> <p>14 Q. Any other differences?</p> <p>15 A. No.</p> <p>16 Q. Thank you.</p> <p>17 MR. SCHROEDER: Let's mark this document as Defendant's 64. (Trademark registration to the</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 149</p> <p>1 Han</p> <p>2 company, RAK Verticals, was marked Defendant's 64 for identification, as of this date.)</p> <p>3 Q. Mr. Han, Defendant's 64 is a trademark registration to the company, RAK Verticals.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Have you ever heard of that company?</p> <p>6 A. No.</p> <p>7 Q. Have you ever seen that logo in the marketplace?</p> <p>8 A. No.</p> <p>9 Q. The logo is directed to plumbing -- let me rephrase that.</p> <p>10 The trademark application is directed to plumbing fixtures, namely bathroom sinks, bathtubs, shower trays, et cetera.</p> <p>11 And in your opinion, is this logo similar to your fleur-de-lis logo?</p> <p>12 A. No.</p> <p>13 Q. Can you describe for me the differences between this logo and your fleur-de-lis logo.</p> <p>14 MR. MALTBIE: Objection to form.</p> <p>15 Q. If any.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 150</p> <p>1 Han</p> <p>2 A. It's a -- totally irrelevant. This is 3 a crown logo.</p> <p>4 Q. Okay. And versus your fleur-de-lis 5 logo.</p> <p>6 A. Right.</p> <p>7 Q. Okay. Thank you.</p> <p>8 MR. SCHROEDER: Let's mark this next 9 document as Defendant's 65.</p> <p>10 (Trademark registration for RLI and 11 design, for the company Top Care, Inc., was 12 marked Defendant's 65 for identification, 13 as of this date.)</p> <p>14 Q. Mr. Han, Defendant's 65 is a trademark 15 registration for RLI and design, for the company 16 Top Care, Inc.</p> <p>17 Are you familiar with that company at 18 all?</p> <p>19 A. No.</p> <p>20 Q. Have you ever seen this logo in the 21 marketplace?</p> <p>22 A. No.</p> <p>23 Q. In your opinion, is this logo similar 24 to the fleur-de-lis logo?</p> <p>25 A. No.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 151</p> <p>1 Han</p> <p>2 Q. Can you describe for me differences 3 between this logo and your logo?</p> <p>4 MR. MALTBIE: Objection to form.</p> <p>5 A. RLI --</p> <p>6 Q. Any other differences?</p> <p>7 A. This doesn't look similar at all.</p> <p>8 Q. Okay. Thank you.</p> <p>9 MR. SCHROEDER: Let's mark this 10 document as Defendant's 66.</p> <p>11 (Trademark registration for a logo to 12 Richmond Foundry, Inc., a Florida company, 13 was marked Defendant's 66 for 14 identification, as of this date.)</p> <p>15 Q. Mr. Han, Defendant's 66 is a trademark 16 registration for a logo to Richmond Foundry, 17 Inc., a Florida company.</p> <p>18 Are you familiar with that company at 19 all?</p> <p>20 A. No.</p> <p>21 Q. Have you ever seen that logo in the 22 marketplace?</p> <p>23 A. No.</p> <p>24 Q. Okay. The goods identified in the 25 application are plumbing equipment, namely meta</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 152</p> <p>1 Han</p> <p>2 soil pipe fittings.</p> <p>3 In your opinion, is this logo similar 4 to your fleur-de-lis logo?</p> <p>5 A. No.</p> <p>6 Q. Can you describe for me the 7 differences between this logo and your 8 fleur-de-lis logo.</p> <p>9 MR. MALTBIE: Objection to form.</p> <p>10 A. This is totally different.</p> <p>11 Q. Can you be more particular, more 12 specific?</p> <p>13 MR. MALTBIE: Objection to form.</p> <p>14 A. This logo looks to -- more like a</p> <p>15 Chinese, oh -- what's the -- currency, instead</p> <p>16 of a fleur-de-lis.</p> <p>17 Q. Okay. Thank you.</p> <p>18 A. Any more?</p> <p>19 MR. SCHROEDER: Let's do this. Let's</p> <p>20 take a short, two-minute break. I mean,</p> <p>21 this is -- do a once through, and then I</p> <p>22 think I'm about done.</p> <p>23 (Recess from 4:32 to 4:37.)</p> <p>24 BY MR. SCHROEDER:</p> <p>25 Q. Just one final point. Mr. Maltbie</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 153</p> <p>1 Han</p> <p>2 handed me a few documents during an earlier 3 break, which are Bates-stamped 237 to 246.</p> <p>4 Mr. Han, are you familiar at all with 5 these documents?</p> <p>6 A. I looked over it this morning.</p> <p>7 Q. Okay. Do you have any firsthand 8 knowledge, or should I be asking Joe about these 9 documents?</p> <p>10 A. It would be asking him better than me.</p> <p>11 Q. Were you involved in the preparation 12 of the declaration of Alice Anderson?</p> <p>13 A. No.</p> <p>14 Q. Was Mr. Maltbie involved? Let me 15 rephrase that.</p> <p>16 Was Joe involved in the preparation of 17 the declaration of Alice Anderson?</p> <p>18 A. I -- not sure. I think, yes, but....</p> <p>19 MR. SCHROEDER: Okay. I have nothing</p> <p>20 further. Thank you for coming in today and</p> <p>21 answering questions. And that concludes</p> <p>22 the deposition.</p> <p>23 (Continued on following page to</p> <p>24 include jurat.)</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>